



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/218,990	12/22/1998	PEDRO S. BARANDA	OT-4355	2377

26584 7590 01/28/2003

OTIS ELEVATOR COMPANY
INTELLECTUAL PROPERTY DEPARTMENT
10 FARM SPRINGS
FARMINGTON, CT 06032

EXAMINER

TRAN, THUY VAN

ART UNIT	PAPER NUMBER
----------	--------------

3652

DATE MAILED: 01/28/2003

25

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 25

Application Number: 09/218,990
Filing Date: December 22, 2002
Appellant(s): Otis Elevator Company

MAILED

Sean W. O'Brien
For Appellant

JAN 23 2003

GROUP 3600

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 25, 2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

Art Unit: 3652

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-3, 5-15, 18, 20-23 and 45-50 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,461,850	Bruyneel et al.	10-1995
4,534,163	Schuerch	8-1985

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 5-15, 18, 20, 23 and 45-50 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Bruyneel et al. 5,461,850. This rejection is set forth in prior Office Action, Paper No. 21.

Art Unit: 3652

Claims 21 and 22 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Bruyneel et al. 5,461,850 in view of Schuerch 4,543,163. This rejection is set forth in prior Office Action, Paper No. 21.

(11) Response to Argument

Appellant argues that Bruyneel does not disclose or suggest a tension member for providing lifting force to a car of an elevator system having side-by-side cords or aspect ratio as recited in claimed 1. At least in column 1, lines 14-16, Bruyneel discloses that such a multi-strand steel cord may be used as a hoisting cable or rope for applications in mines or elevator. Further, Bruyneel shows in Figure 9 a tension member having side-by-side cords and an aspect ratio defined as the ratio of width (w) relative to the thickness (t) greater than one.

Appellant argues that Bruyneel does not disclose or suggest a tension member formed from cords having all wires with a diameter less than 0.25 mm as claimed in claim 1. Claim 1 was rejected under 35 U.S.C. 103 (a), not 102.

Appellant argues that it would not have been obvious from the disclosure of Bruyneel et al. to so restrict the wire size. Bruyneel restricts the wire size in ranges from 0.15 to 1.20 mm (see column 3, lines 47-48). Further, Bruyneel does not suggest any particular diameter for the largest wire. Thus, having all the wire diameter of less than 0.25 mm would have been an obvious choice based upon the application and design preferences of the constructor in light of Bruyneel's suggested ranges. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

TVT (GUT)
January 26, 2003

Conferees

TVT (TUT)

JLK (JLK)

JK JK